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ABSTRACT

Intended for parents of disabled children, the handbook addresses issues of estate planning and other legal matters concerning the child's future. An initial section on guardianship covers such aspects as how to obtain guardianship, duties, and alternatives to guardianships. Wills and trusts are examined in separate chapters which include information on making a will; probate, taxes, and administration; trust provisions; and selection of trustees. Life and health insurance considerations are followed by a review of such government benefits as social security, Medicare, Supplemental Security Income, and Medicaid. A chapter on military benefits charts the benefits and eligibility requirements of four programs, including the War Orphans' Educational Assistance Plan. Parents are urged to develop their own information system with data on the child's care, the family's personal affairs, the estate, and funeral or burial arrangements. A final section describes resources on the topic for residents of South Carolina. (CL)

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NOW . . .

AND THE FUTURE

A Guide for
Families with
Handicapped Children
or Adults

UTH CAROLINA

DD

DEVELOPMENTAL
DISABILITIES COUNCIL

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FOREWORD

None of us want to think about death or becoming unable to handle our responsibilities, therefore, we tend to postpone making provisions for such events.

YET — death is inevitable

AND — circumstances are unpredictable

BUT — certain arrangements are very important for handicapped loved ones.

Failure to make such arrangements can create unnecessary problems for our families. This handbook is designed to inform you about various kinds of assistance your disabled family member may be entitled to now. It is also intended as a guide to assist families in planning for the future.

Many handicapped or disabled persons are able to take care of themselves and to make their own decisions. Others need only a little help. Some need complete care and supervision. Yet each person has rights and abilities and these must be given first priority in all questions about future planning.

As the parent of a disabled son or daughter, you are your child's natural advocate. An advocate is one who supports the rights and needs of persons unable or less able to do it for themselves.

To be an advocate, you must be informed. This handbook contains some of the information you need. The Resource Section tells you how to obtain additional information and assistance. Besides the resources described, South Carolina has many other governmental and private agencies/organizations that also provide services for disabled citizens.

It is suggested that you share and discuss this handbook with your relatives in anticipation of the day an accident, illness or death might leave them to assume the advocacy role for the handicapped loved one.

GUARDIANSHIP

If you are a parent of a disabled or handicapped child, you have probably wondered whether your ild should have a guardian. This question becomes more important when your disabled child reaches dulthood or when you establish an estate plan.

This section is intended to acquaint parents with the basic facts about guardianship in South Carolina. is not intended to advise anyone to seek some form of guardianship for their child.

Guardianship is not necessary for every handicapped person.

Parents should carefully analyze their special situation to determine whether guardianship is necessary d in the best interest of their child. Parents must ask themselves and others such as relatives, teachers, torneys and other professionals, "How limited is my child? Because of this, is there some necessary reason r guardianship? What alternatives are there to guardianship?"

When considering these questions parents need to know what guardianship can and cannot do. It is cessary to have some knowledge of the different kinds of guardianship and of the terminology used by e legal system. Here are some of the more common terms used:

Guardianship - A court-approved legal relationship where a competent adult is appointed to protect, manage and control the person, property, and rights of another person who is a minor child or an incompetent or handicapped adult.

Guardian - The competent adult appointed by the court to carry out the duties of the guardianship. A natural or adoptive parent is the natural guardian of a minor child, even though the child may not be disabled.

Ward - The minor child or incompetent or handicapped adult who is the subject of the guardianship.

Full Guardianship (Plenary) - Total guardianship of an individual who lacks the ability to make any important decision on his or her own behalf. This involves the loss of such rights as the right to marry, contract, vote, consent to surgery, make a valid will, or choose a residence.

Limited Guardianship - Involves only a partial substitution of personal decision-making by the ward. Generally, the court determines that the ward is incapable of making certain types of decisions in some areas of his or her personal life while preserving the freedom of independent decision-making in all other areas.

Committeeship - A term used in South Carolina and many other states to refer to a form of limited guadianship. A committee is appointed to care for and manage the property or estate of a ward. The

ward is otherwise free to exercise his or her own decisions concerning personal matters. "Guardian of property" and "conservatorship" are forms of committeeship.

Public Guardian - A court appointed guardian such as an agency or corporation, rather than an individual. In South Carolina, the judge of probate may act as guardian for a ward who does not have a relative or friend willing or capable of acting as guardian. A corporation can be named as guardian of a mentally retarded person as long as it is non-profit and is chartered to act as guardian of such person.

Guardian ad Litem - A court appointed guardian authorized only to represent the ward's interest in a matter being heard before a court or other official forum that could affect some interest or right belonging to the ward. This is a very limited form of guardianship and should not be confused with representation by an attorney or counsel. Often times a court will appoint an attorney to act as both guardian ad litem and counsel for a minor child or incompetent or handicapped adult in a particular matter which is being heard in court.

Testamentary Guardian - A person appointed as guardian of a minor child (under age 18) by the child's parents through a provision in their will. In probating the will, the probate court will normally support the provision, except in cases where the person appointed is unable to properly care for the child or where such appointment is not in the child's best interest.

How to Obtain Guardianship

In South Carolina, as in most states, the judge of probate has the authority to appoint and monitor guardians or committees for minor children or incompetent or handicapped adults. The only exceptions are testamentary guardians since they are named in the parent's will, or guardians ad litem appointed by courts other than the probate court.

The appointment of a guardian is initiated by filing a petition with the judge of probate in the county where the proposed ward lives. The probate court must appoint a guardian ad litem to protect the ward's interest during the legal proceedings and to insure that other due process rights are provided to the ward. Due process rights include: representation by counsel, notice of proceedings, opportunity to present evidence and to cross-examine witnesses, and to be present during the proceedings. The petition is presented at a hearing before the judge of probate. There is no jury and the proceedings are closed to the public.

The person filing the petition (the petitioner) generally must have some relationship to the proposed ward, such as, parent, custodian, relative, or other interested person. A state agency may petition for the appointment of a guardian for someone in its care and custody when there is an immediate need and no family member is available to assist the disabled individual.

At the hearing, clear and convincing evidence that the proposed ward needs a guardian must be presented the judge.

If the proposed ward is handicapped or mentally incompetent, the court will need evidence to prove is; this evidence usually comes from qualified professional persons. The judge may also talk with the pro- osed ward to find out what he or she would like to do, and to decide how incompetent or handicapped or she may be.

If the probate court finds it is in the person's best interest to have a guardian, the judge will usually ppoint the person nominated in the petition as guardian. But the court prefers to appoint the ward's parent other close relative, if possible, unless it is shown that someone else would better serve the ward's interest.

If the judge finds the ward totally incompetent, the guardian will have plenary (full) guardianship powers. the judge decides that the ward can partially take care of himself or his property, the guardian will have nited guardianship. If the petition was initiated for a special purpose such as applying for admission to institution or consenting to surgery, then the appointment would generally be limited to that purpose. ny party may appeal the probate court's decision to the Court of Common Pleas in the same county and new trial will be held with the right to have a jury if requested.

uties of the Guardian

Guardianship is a trust of the highest and most sacred character. The guardian is not permitted to gain y personal profit or advantage from dealings with the ward or the ward's property or estate. Under South arolina law, a guardian of the property or estate, more commonly known as a committee, must file a bond ith the probate court of double the value of the estate, or a surety bond of one and one-half the amount the estate. The judge may waive the bond if funds are secure.

The guardian/committee must report, on an annual basis, to the court all transactions affecting the ard's estate. Although the court may not ask for information during the year, and it may not be necessary get the court's approval before spending money from the ward's estate — the guardian/committee may ant to get the consent of the court before large sums of money are spent for the benefit of the ward.

The guardian/committee may be personally liable for improper expenditures. A guardian may be removed the court for malfeasance (wrong conduct) in office. The guardian may also be removed upon his or er own petition to the court for release from this position.

The guardian-ward relationship should be one of trust. If the form of guardianship is limited and the ard is capable of making certain independent decisions, the guardian should know when not to interfere ith the ward's opportunity to choose a personal course of action. The guardian should encourage independen-

cy and self-sufficiency. The guardian or committee must always act in the best interest of the ward.

Guardianship when used properly may be of real assistance to your disabled child. When improperly used guardianship may prevent the individual's development and independency. Effective estate plans drawn by the parents of the handicapped son or daughter may eliminate the need for a legal guardianship arrangement.

Alternatives to Guardianship

Guardianship is not necessary for every handicapped person — many are able to manage their own affairs with appropriate services and support systems. Some alternatives are:

Generic Services. In the community, various states and local agencies provide many services for disabled persons, such as: protective services, homemaker services, foster homes, etc. (See section on Government Benefits). In an institution the general care and treatment of residents is the responsibility of the institutional agency. The agency has the duty to act in the residents' best interest with due regard to their individual rights.

The South Carolina Protection and Advocacy System for the Handicapped, Inc. and the Ombudsman Office. These agencies provide advocacy services for disabled persons and seek to insure that adequate services and benefits are provided their clients. (See Resource section of Handbook).

Trusts. The trustee of a trust has no authority to act as a guardian; however, as a provision of the trust, the trustee can be required to visit the disabled person and insure his well-being. The trustee may be empowered to expend the trust to provide a certain standard of living for the individual. (See section on Trusts).

Power of Attorney. Any person may authorize another person to act as his agent in handling certain specified business matters. Power of Attorney may be used only if the person granting the Power of Attorney fully understands what he is authorizing another individual to do. This may be written, however, so that the agent could continue even if the person authorizing such an agent should later become disabled. In South Carolina this type of authorization is known as a Durable Power of Attorney. The authorization for Power of Attorney should be legally executed. A Power of Attorney terminates upon the death of the person authorizing such power.

Representative Payee. A number of government benefit programs such as Social Security, Supplemental Security Income (SSI), and the Veterans' Administration permit a representative payee to receive and manage the funds from that agency for another person who is deemed by the agency as unable to manage his own funds. The representative payee is appointed through the government agency, and

and does not involve a court's determination of disability. The representative payee has no authority beyond managing income from a particular agency.

Making Guardianship Decision

Sound legal advice should be sought when considering whether guardianship is necessary for your disabled son or daughter. Serious consideration should also be given to the alternatives to guardianship.

WILLS

Do You Need a Will?

Yes.

You don't have to have a lot or property or a lot of money to need a will. The reason for a will is for you to say how the property you do have should be settled when you die. Another reason for a will is to explain who you want to be the guardian of your minor children when you are not here to care for them. When a child reaches age 18 (handicapped or not) he is no longer considered a minor so other guardianship procedures must be followed if one is necessary. (See section on Guardianship).

Dying without a valid will won't prevent distribution of your estate to your heirs or next of kin, but state law may prevent your property from being distributed as you want it to be. This is especially true when you have a child who is handicapped or disabled and who may be eligible for certain government benefits.

Even a small inheritance may effectively keep your child from receiving needed services worth many, many times more than the property you leave. But even though you may not want to name a handicapped or disabled child as a beneficiary in your will, you do need to make provisions for their care. You can accomplish this with a will.

What is a Will?

A will is a written document, made by a competent person, which directs how that person's property should be distributed when the person dies. A will must comply with the laws of the state in which the person lives.

Generally, South Carolina recognizes any will duly executed in other states or countries as long as the will is in writing, properly signed and is not in violation of any public policy.

Definitions of Terms Commonly Used in Wills

- **Estate.** The total personal and real property and other interests owned by the decedent at the time of death.
- **Decedent.** The deceased (dead) person.
- **Testator/Testatrix.** The term applied to the decedent who dies leaving a will. If the decedent is male he is known as testator, if female she is known as testatrix.
- **Intestate.** The term used for one who dies without a will or whose will has been invalidated by a probate court.

- **Beneficiary.** The person who receives the benefits provided in the will.
- **Probate.** The process of confirming a will and carrying out its terms and provisions.
- **Executor/Executrix.** A person named in the will to oversee the distribution of property listed in the will.
- **Administrator/Administratrix.** A person appointed by the probate court to administer an intestate or testator's estate when there is no executor named in the will.
- **Codicil.** An addition to a will to change, explain, revoke, or add provisions.

Making a Will

A will written in South Carolina must be in writing and must be signed by the person making it in the presence of three or more independent, credible witnesses. There are some extreme exceptions to this rule pertaining to death-bed oral wills and wills by persons in military service who are outside of South Carolina.

In preparing a will, the testator (maker of the will) should consult an attorney for guidance. Once the testator decides how property is to be distributed in the will, the final will should be prepared by an attorney.

Here are some of the things to be considered when making a will:

(1) The names and addresses of proposed beneficiaries and their relationship with each other.
(2) The assets (property) to be distributed.
(3) The needs of the surviving husband or wife (spouse) and all children.
(4) The degree of disability of any beneficiary including the ability to function and earn a living and the possible need for continued care or for residential or institutional placement of any proposed beneficiaries.
(5) The uncertainty of future governmental assistance.
(6) The long-range effects on family members particularly when a handicapped person requires life-long care costing large sums of money.
(7) The selection of the executor and an alternate executor. When a minor child is involved, a testamentary guardian should also be considered. Before these persons are named in a will, the person making the will should get the consent of such persons to act in these capacities before naming them in a will.

If, in your judgement, you decide that no assets are to go directly to a certain member of your family, especially a handicapped or disabled child, a statement like the following should be included in the will: "I specifically make no other provision than that made in this will for (name of child) except to leave him/her my love and affection knowing that (name of child) will be cared for otherwise."

Mere omission of a child in the will might raise the question of whether the testator intended to omit the child. However, providing a statement such as the one above could prevent an attack against the validity of the will.

Once a will is properly prepared and witnessed, it is valid but a will is not final until death. A will can be revoked, amended, altered or destroyed. Changes can be made as many times as the maker wishes, as long as the maker is legally competent. Marriage, divorce, death of a beneficiary, purchase of additional real estate, etc., may make a change necessary. Instead of drawing up a new will when changes occur, a properly executed codicil may be attached to your will.

A will, once it is made, should be kept in a safe and accessible place. Your attorney and the executor should get a certified copy and should be told where the original will is located. They should also be advised of any changes to the will. If a will is lost or destroyed, your estate may pass as intestate under the laws of the state.

Dying Without a Valid Will

If you die without a will or if your will is not probated, the state you live in will decide where your personal property will go; the state in which your real property is located will decide who inherits that property; the laws that govern this are usually known as the statutes of descent and distribution.

In South Carolina, when the intestate is survived by a widow or widower and more than one child (regardless of the child's age or handicap), the widow gets one-third of the total estate and the children receive the remaining two-thirds. If there is only one child, the surviving spouse gets half of the estate and the child gets the other half.

Lineal descendants — children of the intestate's children — will inherit their parents' share if those parents are already dead. The statutes of descent and distribution make further provisions for distributing an estate depending on the various combinations of surviving legal heirs. As a family tree spreads away from the immediate family, the combinations become more complicated.

All real and personal property, not disposed of by a will, passes under the statute of descent and distribution.

Even though the maker of a valid will attempts to disinherit a legal heir, that heir will receive an intestate share or interest in the property if the will fails to provide for distribution of all property. The omission of a child will not keep the child from inheriting any part of an estate not covered by a will.

Probate, Taxes and Administration

The executor appointed in the will must present the will for confirmation or validation to the probate court in the county where the testator lived. The court will issue letters of testamentary giving the executor the legal right to collect and evaluate the assets of the estate, pay any outstanding debts and taxes, and to distribute the property according to the will.

A will is usually admitted to probate in common form. The probate court will review the will and other documents containing the testator's handwriting. If the will appears to be valid, the court will direct the executor to carry out its provisions. However, if an interested party objects to the will, the court must require proof of the validity of the will. This requires testimony of the persons who witnessed the will and, perhaps, testimony of other witnesses to some aspect of the will that might be questioned.

In administering the will, the executor must file a copy of it in every county where the testator held real property. Generally, the executor must publish notice of distribution of the estate in order to notify creditors so that they may file their claims, if any, against the estate. The executor owes a duty to defend the estate as well as to pay its just claims.

After paying the debts, the executor must identify the heirs and collect the personal property, which must then be distributed in accordance with the will. The executor generally has the power to sell the property or to put it up for auction, although he is monitored by the probate court. Title to real property will automatically go to the appropriate beneficiary in order to prevent any break in title, but an unsettled claim against the property may cloud the title and the executor may, upon direction of the probate court, sell the property.

After full distribution of property, the executor must make a final accounting to the probate court before being released from his duties. Any fraud or misconduct by the executor regarding the estate makes him personally responsible to the estate and to the court.

Part of the executor's duty involves the determination of state and federal estate taxes payable by the estate. Both state and federal estate taxing schemes grant certain deductions, exemptions and credit for gift taxes. Because of the complex nature of tax law and the periodic changes in the tax rates, consultation with an attorney or tax specialist is highly recommended.

Important Points to Remember

- Each of us will die — we don't know when.
- A will provides for our wishes to be carried out after our death. Both parents should have a will.
- If your child has a life-long handicap and will not be able to care for himself, it is important to consider this in your estate plan.
- Each family situation is different — therefore, estate plans may differ. The most important element of an effective estate plan is a will. Other items to be considered are life insurance, inter-vivos gifts, trusts, and (if needed) some form of guardianship.
- If your handicapped child is capable of most living activities, special arrangements should be made to secure the protection for him that you desire.

- If your disabled child resides in an institution or is at risk for admission when you are no longer able to care for him, it may be wise to make no substantial provision for him in your will. To avoid confusion, however, you should state that you have purposely excluded this child knowing that he or she will otherwise be provided for.
- Under South Carolina laws and various federal regulations concerning governmental benefits, your child's assets could be assessed by the government for reimbursement of expenses. It takes very little to disqualify your child from receiving such benefits.

TRUSTS

Most parents are concerned about plans for the care, protection and advocacy for their children should anything happen to them. This "anything" could be death of the parents or the inability to continue to care for a child because of sickness or disability.

Wills and trusts are means of providing financial help as well as personal protection for the future. If a trust is established it is still wise to have a will for the benefit of all the family.

A trust is a relationship through which one person (the trustee) agrees to administer assets for the benefit of another person (the beneficiary) according to the directions of the person (the grantor) who creates the trust.

Kinds of Trust

- *A testamentary trust* takes effect only after the death of the grantor, and will not escape probate because it is established as a part of a will.
- *A living trust* is established by the grantor in order to make a gift of assets to a trustee for the benefit of one or more beneficiaries. It takes effect during the grantor's lifetime and may continue after death. With a living trust, the grantor can keep some control over how the assets of the trust are managed, if he chooses to.

Reasons for Trust

1. Funds and property may be managed to insure that fair interest income is earned in order to provide maximum protection of the principal.
2. A method is established whereby the trustee pays bills, contracts for services, and if appropriate, gives the beneficiary spending money.
3. The trustee has flexibility in use of the principal and income and by exercising skill can tailor the use of the funds to meet the individual needs of the beneficiary.
4. On termination of the trust, the remaining funds can be distributed to other family members.

A trust will enable parents or relatives to withhold legal title to money, property or assets from a child or children whom they believe to be too immature or incompetent to properly handle business affairs. Special consideration should be given to tax liability and eligibility for certain government benefits.

It is well to remember that many disabled people will be able to care for themselves and make their own decisions. Many others will need only a little help. Some will need continued care and supervision.

Yet each handicapped person has rights and abilities and these must be given first priority in all questions of future planning. Flexibility is the key to providing a proper plan, so that suitable action can be taken under changing conditions.

Some Trust Provisions to Consider

- To provide for the distribution or disposition of the assets in the trust upon the death of the beneficiary or the termination of the trust.
- To pay income to the disabled or handicapped person, but only the amount of income which will not make him ineligible to receive federal or state benefits.
- To allow the trustee sole and absolute discretion to expend or not expend principal for the benefit of the beneficiary.
- To include spendthrift trust provisions — this means that no creditor can secure the trust assets or income and that the beneficiary has no right to give away the trust assets or income.
- To provide that in the event it is determined by a court that the trust makes the beneficiary ineligible to receive federal or state benefits, or if the trustee decides that it is in the best interest of the beneficiary, the trust should be terminated.

If a trust is used to provide for a handicapped son or daughter as a beneficiary, it is very important that the language of the trust be phrased so as to avoid attachment by the state to pay for cost of maintaining the beneficiary in an institution or group home.

This does not imply that families and parents with handicapped children should avoid their responsibility to the state for support of a handicapped person. Instead, what should be emphasized is that, unless stated appropriately, the language of a trust can place an unfair burden of responsibility on an estate, without regard to a family's previous contributions to the support of the person with handicaps. If appropriate language is used in the trust document the assets of the trust will be protected.

Selecting a Trustee

Anyone eligible to act as an Executor of a will is also an eligible trustee. It is important to select the individual (trustee, guardian, etc.) with whom you are comfortable and whom you feel is capable of making informed decisions. Then you must provide the flexibility in your plan so that he may exercise good judgement.

Remember, a trust is a complex legal document. You should seek the advice of an attorney before creating a testamentary or a living trust. (See Resource section of this Handbook for legal assistance).

LIFE INSURANCE

Even under normal circumstances there is much a person should know about buying life insurance. To help you, the National Association of Insurance Commissioners has prepared a folder called "Life Insurance Buyer's Guide" which is available through most well established life insurance companies.

This folder shows you how to save money when you shop for life insurance and helps you decide how much you should buy, what kind to buy and how to compare to costs of similar policies. It will not, however, show you which companies will issue life insurance to the disabled or handicapped person. There are companies that do. All companies do not operate in all states, but most large companies do.

Of first concern when you consider buying life insurance for the disabled or handicapped person is on whom the coverage should be placed — one or both parents or the handicapped child.

Insurance on the parent/wage earner would provide funds necessary to assist in the care of a handicapped person should the parent die. Insurance may also be purchased on both parents either through a joint-life policy or through individual policies. Proceeds from insurance policies can be handled through a trust (see section on Trusts). Insurance on the handicapped child is sometimes purchased to take care of expenses resulting from the handicapped person's final illness or death. Coverage on the handicapped child could be in the form of regular life insurance (either whole life or term) or group life.

Members of some volunteer associations may choose to participate in their group life insurance. Generally the parent or guardian is the member applicant. In some instances, however, it is the handicapped or disabled adult who joins an association and is therefore, eligible to qualify for group life insurance. If you are not familiar with such organizations refer to Social Service Organizations in the yellow pages of the telephone book.

Creating an Estate through Life Insurance

Creating an estate through life insurance is important for parents who do not have enough assets to otherwise create an estate. Life insurance can be set up so as to create an immediate estate upon the death of the insured, and would provide funds for the care of the dependent child. Careful attention should be given to your family's own special situation when deciding how and by whom the proceeds from an insurance estate will be handled.

Selection of a Beneficiary

Serious consideration should be given to the selection of a beneficiary. If the handicapped person is the insured person, the beneficiaries could be the parents or guardian. If a parent is the insured person,

the beneficiary could be the guardian, who may be named in the parent's will, (see sections on Guardianship and Wills), the surviving parent or a trustee. If the handicapped person is capable of handling his own affairs, he may be named the beneficiary.

Ownership of Life Insurance

The owner of a policy on a disabled or handicapped person could be a parent or guardian. The main thing to remember about ownership of life insurance is that the owner has the legal right, as given in the policy, to control the policy. This means that the owner can name or change beneficiaries, assign the policy or borrow money against the cash value of the policy. It should also be remembered that the cash value of a policy is considered as assets in the policy owner's name. If the owner is a handicapped person who is otherwise eligible for certain government benefits, the cash value could very well prevent him from being eligible for such benefits.

Trust

It is possible to set up a life insurance trust for the management of life insurance proceeds, but there is some cost that the trust must pay. It is also possible to leave the proceeds of a life insurance policy with the insurance company. There will be no charge for administering the funds, but there is less flexibility than in setting up a trust outside of the insurance company. You should consult an attorney or a Chartered Life Underwriter (CLU) before selecting the method for handling the proceeds from an insurance policy. In South Carolina there is some limitation on the amount dispensed within a given year to or for a beneficiary residing in a mental health or mental retardation facility.

Picking a Reliable Life Insurance Company

Every family's situation is different and state laws vary, but there are many good, reliable life insurance companies. If you don't have a life underwriter on whom you can depend when you are in the market for life insurance, you should contact the local association of Chartered Life Underwriters and they can recommend a Chartered Life Underwriter (CLU) to you. A CLU has taken a pledge to treat you as he would himself and to do everything possible to work out your problems. A CLU has special training to qualify him to help you choose the best life insurance policy for your situation and help you plan your estate.

Other Source of Assistance

There is also another source of assistance available in South Carolina. If you do not understand an

insurance policy or have problems regarding a claim, etc. you may contact the Consumer Assistance Division of the South Carolina Department of Insurance (See Resource Section of this Handbook).

HEALTH INSURANCE

If you are doubtful as to the value of health insurance you are considering buying for a disabled or handicapped child, you may contact the Consumer Assistance Division of the South Carolina Department of Insurance before you buy it (see the Resource section of this booklet for address).

Health Underwriting

Insurance companies have underwriting departments that decide if a person or group of persons is insurable under the company's health underwriting regulations. An underwriting department decides whether the company should take the risk of issuing health insurance to a person or group, based on the health of the people involved.

Some insurance companies may have health underwriting regulations that do not allow for insuring any type of mental or physical disability. Other insurance companies may be more lenient and underwrite on a person-by-person basis.

If a company decides to underwrite a person or group of persons with known health problems, premiums may be higher than those for people who do not have health problems. Or the company may choose not to insure a person or a person's specific condition or conditions; this is called "ridering" out a condition or person. In such case a statement is usually attached to the policy stating the specific exclusion.

Group and Individual Health Insurance

Basically, there are two kinds of health insurance policies: group and individual (nongroup). Group insurance is for a group of persons insured under a policy issued to an employer or an association. Most group insurance is not health underwritten. Any person who is an employee of an employer or member of an association is eligible for the group's insurance, regardless of health, if the person meets the employer's definition of an employee or the association's definition of a member. When a person meets the definition of an employee or member, that person's husband or wife and dependent children are also eligible for a group's health insurance.

Some insurance companies do underwrite health insurance for small groups — usually groups with two to ten employees or members. The same health underwriting requirements applied to an employee

or member will apply to husbands or wives and dependent children.

Individual health insurance policies may or may not be health underwritten, depending on the underwriting regulations of each insurance company. Some family members may not be insurable, while others may have a specific condition or conditions that are not insurable. In these instances, a person or a condition may be "ridered" out of the policy.

Incapacitated Dependent Children

Handicapped or disabled children are generally referred to in insurance language as incapacitated.

Health insurance companies may legally stop insuring a dependent child after the child reaches the maximum dependent age (19, 21, 23, etc.) stated in the policy, or if the child marries or becomes employed full time, regardless of age.

Under South Carolina law, however, coverage of an incapacitated, dependent child cannot be ended when that child reaches the maximum dependent age if the child is and continues to be incapable of self-sustaining employment due to mental retardation or physical handicap and is chiefly dependent upon his insured parent or guardian for support and maintenance.

Proof of the mental retardation or physical handicap and of the child's dependency on the insured parent or guardian must be furnished to the insurance company within 31 days of the child's reaching the maximum dependent age; after that, proof must be furnished to the insurance company upon request, but not more often than every year after the first two years following the child's reaching the maximum dependent age.

As long as a child's parent or guardian remains insured under the health insurance policy, the incapacitated, dependent child may remain covered. If the parent or guardian drops his health insurance with that company, however, the company does not have to continue coverage for an incapacitated, dependent child.

Conversion of Health Insurance Coverage

When an employee of a group or member of an association leaves that group after being insured under its health insurance for at least three months, South Carolina law provides that that person, the husband or wife and dependent children are entitled to health insurance coverage under the insurance company's conversion policy. Application for such coverage must be made within 60 days after termination of the group insurance. If the application is received by the insurance company within this 60-day period, the effective date of health insurance under the conversion policy will be the date the group insurance was terminated. No health underwriting or physical examination is required.

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An insurance company has no legal obligation to insure a former employee or association member, or his husband or wife and dependent children (including incapacitated, dependent children) if the application for conversion coverage is not received within the 60 days.

Conversion coverage does not have to be identical or similar to the coverage provided under a person's former group policy. The South Carolina Department of Insurance does, however, have to approve each company's conversion policy before it can be issued.

Husbands or wives and children are automatically eligible for conversion coverage with the same insurance company when they are no longer eligible under an employee's or member's coverage. This happens when an employee or member dies or gets a divorce, or when a dependent child reaches the maximum dependent age, marries, or becomes employed full-time. If application is made within 60 days, coverage is continuous.

Under individual health insurance, the same holds true. If the policyholder dies or gets a divorce, or when a dependent child reaches the maximum dependent age, marries or becomes employed full time, husbands or wives and dependent children are automatically eligible for coverage under their own individual policy if application is made within 60 days of the date they are no longer eligible under the policyholder's coverage.

In both situations, the person responsible for an incapacitated, dependent child must apply for coverage for that child within the 60 days allowed by law, so that the child will not be left without health insurance protection.

GOVERNMENT BENEFITS

Benefits for handicapped or disabled persons are available through federal and state government programs. These programs are briefly described in this section of the handbook. *If you think you or your child may be eligible for one of these programs, you should contact the appropriate government agency.*

For federal government programs, information and application forms are available from your local Social Security office. Local telephone numbers are listed in the telephone book under the heading of Social Security Administration.

For state government programs, information and application forms are available from your County Department of Social Services Office. Local telephone numbers are listed in the telephone book under the name of the county you live in and then under the heading of Social Services Department.

Social Security

The federal government Social Security program provides benefits to families with a disabled member. Monthly Social Security benefits are available to the following persons:

- Workers who became severely disabled before age 65.
- Retired workers over age 62 and their dependents.
- The child of a retired, disabled or deceased worker, if the child is under age 18; is a full-time student under age 19, attending elementary or high school; or was severely disabled before age 22 and continues to be disabled.

To be eligible for Social Security benefits, a child must meet one of these definitions:

– A wage earner's natural, legitimate child.

– The child of a void or voidable marriage.

– An illegitimate child who has been made legitimate by the parents.

— An illegitimate child who has inheritance rights from a wage earner's estate.

— The child of an invalid ceremonial marriage.

— A legally adopted child including, in some cases, a child legally adopted by a wage earner's surviving spouse after the wage earner's death.

— An equitably adopted child.

— A step child.

— A dependent grandchild or stepgrandchild of the wage earner or his spouse.

Medicare (Title XVIII of the Social Security Acts of 1965)

Medicare is health insurance provided by the federal government through the Social Security program. Most persons who get Social Security are eligible for Medicare.

Disabled adult (age 18 or over) children who receive Social Security benefits from their parent's record can also receive Medicare benefits after receiving Social Security checks for 24 consecutive months.

Any unmarried child under 18, disabled or not, may be eligible for Medicare benefits if the parent (wage earner) is retired, disabled or deceased; when the child reaches 18, benefits will stop unless the child is under 19 and a full-time student in elementary or high school or is disabled.

(Note: 1981 amendments provide for benefit termination at age 19 or end of school semester, whichever comes later)

Persons, including children, not otherwise eligible for Medicare benefits, may be eligible if they have a kidney problem referred to as "end-stage renal disease."

No matter what circumstances entitled a person to Medicare benefits, everyone covered by Medicare receives a Medicare card bearing the person's Medicare number. Medicare cards are not replaced each month. They are issued again if you lose your old one. If this happens, get in touch with you local Social Security office immediately.

Supplemental Security Income (SSI)

SSI, another federal Social Security program, is for the aged, the blind and the disabled. To qualify for SSI, a person must have limited income and resources, must live in the United States, or the Northern Mariana Islands and must be a U.S. Citizen or an alien lawfully admitted to live in the United States. If a person is under age 65 but is blind or disabled and meets these qualifications, he may be eligible for SSI.

The Social Security office decides if a person is eligible to receive monthly SSI benefits. SSI payments can be reduced if the person gets any other kind of income, but the Social Security office will help people apply for any other benefits for which they may be eligible.

Medicaid (Title XIX: Medical Assistance State Plan)

Medicaid helps people who can't afford to pay for necessary health care services. Anyone who gets public assistance, welfare, or SSI may also be eligible for Medicaid.

Persons or families eligible for Medicaid benefits will get a Medicaid card each month. The card must be shown to any provider of medical care before services are received. A few hospitals in South Carolina and some other health care providers (doctors, drug stores, etc) do not honor Medicaid Cards. You should check with your doctor, hospital or pharmacist in advance before you end up owing a bill you cannot pay. You may want to tell health care providers that you have Medicaid before you make appointments. That way you will know that they accept Medicaid payments and will not expect you to pay for their services.

Except for a few services, persons with Medicaid do not pay for health care services. The Medicaid program pays for them. However, for podiatry, optometric and emergency dental services, and for prescription drugs, there is a small amount you must pay (called co-payment).

Medicaid pays for many kinds of services for the handicapped or disabled, *but only when such services are medically necessary*. These services include care in an intermediate care facility for the mentally retarded, inpatient psychiatric hospital care for persons under age 22, and health screening and physical assessment between birth and age 21 to identify health problems that can lead to physical and other abnormalities.

Other Programs

There are numerous other programs handled through the Department of Social Services office in your county. *For information about eligibility*, call or visit that office. Here are the names and brief descriptions of some of these programs:

Program	Description
Aid to Families with Dependent Children	Money for food, clothes, shelter, etc.
Foster Care	Money for food, clothes, shelter, etc.
General Disability Assistance (GDA)	Money for food, clothes, shelter, etc., for temporarily and totally disabled.
Optional Supplement (OS)	Payments for blind, aged or disabled in licensed residential care facility.
Medical Assistance Only - Nursing Home	Payments to long term care facilities in behalf of persons whose income and resources are less than the limit set by the State.
Alternate Placement and Management for Adults	Arrangement of safe, supportive substitute placement for adults (over 18)
Homemaker	Includes counseling and training in support of home care and temporary in-home care for family members.
Protective Services for Adults	Available to any impaired adult (over 18) who is at risk of abuse, neglect or exploitation
Child Development (Day Care Services)	For children who are handicapped, in need of protection, etc.
Information and Referral	Help for any individual, regardless of income, in need of services, information, referral, etc., to appropriate community agency

MILITARY BENEFITS

If you are a military person and intend for your dependents to receive military benefits, whether you are engaged in active duty, are a retiree, or upon your death, keep in mind that income from military programs may be part of an estate set up for a disabled or handicapped child.

For instance, an annuity from the Survivor Benefit Plan, which is discussed on the following pages, may be the major source of income for survivors of deceased military personnel. Therefore, careful consideration should be given to participation in the plan when planning an estate.

ID Cards

Anyone entitled to military benefits is issued an ID card. This card is known as the Uniformed Services Identification and Privilege Card (DD Form 1173), and is used for identification to show eligibility for the following privileges:

- Health benefits in uniformed services facilities.
- Health benefits from civilian sources (payable under the CHAMPUS program).
- Commissary privileges.
- Exchange patronage.
- Admission to military theaters and other recreational facilities.
- Retirement and survivors' benefits.

Each ID card indicates the privilege to which the holder is eligible.

Surviving Military Dependents

Retired members of the armed forces can apply for an ID card for each of their eligible dependents, while eligible dependents of deceased retired persons can apply for their own cards. The following documents are required, when applicable, in order to prove eligibility:

- Copies of retirement orders
- Death certificate or report
- Marriage certificate or license or other evidence of marriage
- Birth certificate
- Adoption papers
- Divorce papers

For a child over age 21 with a mental or physical handicap who became incapable of self-support before reaching that age, a statement is required from a licensed physician or a medical officer stating that the child is mentally or physically incapacitated and, as a result, is incapable of self-support; the statement must also say how long the child will be incapacitated and must give the prognosis for improvement.

Survivors' Benefits

When you plan for the future of a disabled or handicapped child, remember that there is no form of compensation or pension that is paid to all retired military personnel or to their dependents. Retired pay ends with the death of the retiree and is not transferred to his survivors unless he is a member of the Retired Servicemen's Family Protection Plan (RSFPP) and/or the Survivor Benefit Plan (SBP). In addition to RSFPP and SBP, there is a death gratuity and a War Orphan's Educational Assistance Act from which military survivors may benefit. These four programs, their benefits and eligiblity requirements are outlined in the following chart.

Program	Benefits	Eligibility Requirements
War Orphans' Educational Assistance Act: apply to the VA Regional Office serving the state or area where the child lives.	Educational benefits which begin on the 18th birthday or on successful completion of high school and which end on the 26th birthday. *If a child is at least 14 and has a mental or physical handicap, benefits can start before age 18 for restorative or vocational training.*	Be a child of • A deceased veteran. • A living veteran who has a total and permanent disability The death or disability of these veterans must have been the result of service in the Armed Forces after the beginning of the Spanish-American War and discharge must have been under honorable conditions.
Retired Serviceman's Family Protection Plan (RSFPP): upon the death of a retired serviceman who belonged to RSFPP, forms and instructions will be sent to the named beneficiary after notification of death is received by the Finance and Accounting Center of the branch of the Uniformed Services the retired serviceman belonged to.	Monthly annuity for survivors (not adjusted to reflect cost of living increases)	The RSFPP was replaced by the Survivor Benefit Plan on 9/21/72, but members of the RSFPP who joined before that date were allowed to retain their participation. The annuity may be payable to a surviving spouse, eligible surviving children, or a surviving spouse until death or remarriage and then to eligible surviving children (dependents acquired after retirement are not eligible).

Program	Benefits	Eligibility Requirements
Survivor Benefit Plan (SBP): upon the death of a retired serviceman who belonged to SBP, forms and instructions will be sent to the beneficiary of record. Forms and assistance will also be given by a military personnel officer at any military installation. *Federal estate tax does not apply to the value of an SBP, but annuity payments are taxable as part of the gross income of a beneficiary.*	An annuity for designated survivors. Various amounts and types of coverage may be chosen, with the maximum being 55% of the member's retirement pay at the time of death. *If a child over age 21 cannot support himself because of a mental or physical handicap, benefits from the annuity will continue until death (if option 2 or 3 is selected).*	Before retirement, a serviceman who joins SBP can name any of the following persons as designated survivors: (1) A surviving spouse only. (2) A surviving spouse and dependent children. (3) Dependent children only. When the surviving spouse and dependent children are named and the surviving spouse dies or becomes ineligible, the annuity is paid to the remaining dependent children.
Death Gratuity: If a retired member of the armed forces dies during the 120-day period following termination of active duty and if the VA determines that the death was service related, this program is effective.	The gratuity is equal to six months' basic pay at the rate to which the deceased member was entitled on his last day of service, but not less than $800 or more than $3,000.	The gratuity is payable in equal shares to living survivors in the following order: spouse, children without regard to age or marital status, parents, brothers and sisters.

Military Assistance to Survivors

Before Survivors' benefits can be paid, application must be made to the appropriate government agencies. Survivors of retired military members are entitled to the same assistance as would have been provided if death had occurred on active duty.

Survivors should promptly notify the commander of the nearest military installation at the time of a retiree's death. When such notification is received, a Survivor Assistance Officer (SAO) is appointed to advise and assist the retiree's next of kin. When active duty personnel die, no notification is necessary by survivors; an SAO is automatically assigned. If the only survivor is an incapacitated dependent, an SAO is appointed for that dependent.

Veterans Administration Payments and Survivors' Benefits: DIC and Death Pension

In addition to the four programs just discussed, *there are survivor benefits payable by the Veterans Administration (VA) under the Dependency and Indemity Compensation (DIC) program if a military retiree's death is determined by the VA to be the result of a service-connected disability.* A service-connected death must be from one of the following:

(1) disease or injury incurred or aggravated in the line of duty while on active duty or training for active duty; or

(2) injury incurred or aggravated in the line of duty while on inactive training.

DIC benefits are paid monthly to an eligible spouse. The amount is based on the pay grade of the deceased retiree and is the same whether death occurred during war or peacetime. An eligible spouse receives DIC benefits for life unless she/he remarries, regardless of the amount of income from other sources.

If there is no surviving spouse entitled to DIC benefits, a special rate may be paid to children of a retiree whose death is the result of a service connected disability. To be eligible, a child must be unmarried and under age 18. *A child 18 years or older who became permanently incapable of self-support before reaching age 18 may also be entitled to monthly DIC benefits.*

The spouse or other eligible survivors of a retiree should apply for DIC whether or not the retiree's death appears to be the result of a service-connected disability. The VA may determine that a service-connected disability is a contributing cause of death and can grant DIC benefits on that basis.

When notified of a death, the VA will supply the next of kin with a DIC application form. Applications on behalf of children should be accompanied by birth certificates or adoption papers and proof of disability, if applicable.

DIC payments are exempt from taxes and are not subject to seizure by creditors of either a serviceman

or a beneficiary. DIC payments will not disqualify a beneficiary from receiving social security benefits or from receiving annuity payments under the Retired Serviceman's Family Protection Plan unless the deceased member of the RSFPP was retired for disability before completing 19 years of service. *Under the Survivor Benefit Plan, however, a surviving spouse's monthly annuity will be reduced by the amount of monthly DIC payment.*

In addition to DIC benefits, there is the non-service connected *Death Pension*, which is primarily a benefit for a surviving spouse. It is only paid to a child or children when there is no eligible surviving spouse or when the amount of a surviving spouse's income prevents payment of the Death Pension. Eligibility for surviving spouse's income prevents payment of the Death Pension. Eligibility for children is the same as eligibility for DIC benefits.

The Civilian Health and Medical Program for the Uniformed Services (CHAMPUS)

CHAMPUS is a medical benefits program operated by the Department of Defense to provide medical care at civilian facilities if care at military hospitals or clinics is not available.

The uniformed services to which CHAMPUS applies are the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the U.S. Public Health Service and the Commissioned Corps of the National Oceanic and Atmospheric Administration.

The following persons are eligible to be CHAMPUS beneficiaries:

- Spouses and children of active duty members of the uniformed services.
- Retired members of the uniformed services.
- Spouses and children of retired members of the uniformed services.
- Unremarried widows or widowers and children of deceased active duty and retired members of the uniformed services.

"Children" means unmarried children under 21, including legally adopted children, stepchildren and certain illegitimate children. Children also means students up to age 22 and disabled children over 21 who were incapable of self-support because of a mental or physical handicap. For disabled children, all of the following requirements must be met:

(1) the incapacity existed before the 21st birthday;
(2) the incapacity has continued without interruption since before the 21st birthday;
(3) the child depends on the active duty member or the retiree for more than 50% of financial support. If the active duty member or the retiree is deceased, the more than 50% of financial support criterion must have existed at the time of death.

If the incapacity improves significantly or ends at any time after the child's 21st birthday, CHAMPUS eligibility ends. It cannot be reinstated even if the incapacity recurs.

ID Cards and Regulations

A person's eligibility for CHAMPUS will be noted on his ID card, which should be shown to any civilian health care provider or facility before medical care is received. However, children under age 10 are not issued ID cards except under unusual circumstances. CHAMPUS eligibility is noted on the ID card of the child's parent(s).

ID cards should be applied for through the sponsor's (active duty or retired military person) branch of the uniformed services. However, it is possible to apply for an ID card at the registrar's office at the nearest military facility.

Even with an ID card, CHAMPUS regulations require that CHAMPUS-eligible beneficiaries who live within a designated 40-air-mile radius of a military facility must get a Non-availability Statement before admission to a civilian hospital, unless admission was due to an emergency. *Failure to get this statement could result in the beneficiary paying the bill, with no CHAMPUS benefits.*

Before certain kinds of medical care, such as plastic surgery or admission to approved residential or specialized treatment centers can be paid for by CHAMPUS, written approval is required. You, or your doctor or hospital, may submit a request for preauthorization approval, which should be submitted at least 30 days before the service or supply is received. Approval can be obtained from your health benefits advisor at the nearest military medical facility, from the CHAMPUS contractor who pays claims in your area (the health benefits advisor can give you the contractor's name and address), or from OCHAMPUS (the Office of CHAMPUS), Aurora, Colorado, 80045.

In fact, if you have any questions about whether services are covered by CHAMPUS, you should contact one of these sources for additional information.

Program for the Handicapped

The Program for the Handicapped provides financial help to *active duty* members for the care, training and rehabilitation of a husband or wife, or child, who is seriously physically handicapped or moderately or severely mentally retarded. A spouse or child of a deceased active member may qualify if all of the following requirements are met:

(1) the person has not reached age 21;

(2) the person was receiving assistance under the Program for the Handicapped at the time of the member's death.

(3) the member died after 1 1 67, while eligible for hostile fire pay or from a disease or illness incurred while eligible for such pay.

Eligibility for the program ends, when an active duty sponsor dies, as of the last day of the calendar month following the month in which death occurred, except when death occurred while the sponsor was eligible for such pay.

When a sponsor is no longer on active duty for any reason other than death, benefits under the Program for the Handicapped end as of 12:01 a.m. of the day following the day on which the sponsor ended active duty.

Mental Retardation and Physical Handicaps

A person is usually considered moderately retarded if the I.Q. is between 36 and 51 and severely retarded if the I.Q. is 35 or under.

To be considered for assistance, a physical handicap must be so serious that a person older than high school age is unable to engage in gainful pursuits, or a child of elementary or high school age is not able to be educated in a public school system. In addition, the handicap must be expected to continue for at least a year or is expected to result in death and has reached a point where the individual needs help in daily living.

The following are examples of impairments that may qualify as serious handicaps:

- Severe vision impairment, deafness, epilepsy, injury, bone disease, respiratory disease, cerebral palsy or diabetes in children.
- Advanced Parkinson's disease, multiple sclerosis, muscular dystrophy or Huntington's disease.

Two or more serious conditions in combination may qualify a person for the program, even if one of them alone would not. The fact that a handicapping or potentially handicapping condition has been diagnosed does not mean a condition is severe enough to qualify a child for the Program for the Handicapped.

For more information about the program and about CHAMPUS, in general, refer to the CHAMPUS handbook or contact the CHAMPUS representative at the nearest military facility. Either of these sources can give you specific information about the benefits under CHAMPUS and the Program for the Handicapped and about what to do if you are entitled to benefits under Medicare, Medicaid, etc.

YOUR OWN INFORMATION SYSTEM

Make it Easier for Others

All families should discuss and plan for their future security and well-being.

Set up an *information system* (file or notebook) and keep it up-to-date. This will make it much easier when someone else has to relieve you or assume your responsibilities in case of an accident, your illness or death. It will also help to make a smoother adjustment for your disabled child.

Included in your Information System should be copies of your child's Personal File, your Personal Checklist, your Estate Inventory, and any funeral or burial arrangements. Also include any other information that you feel would help someone else in assisting your handicapped son or daughter. Examples of suggested forms can be found in the Appendix of this Handbook.

Information that is needed in case of an emergency should not be kept in a safe deposit box. These boxes are not always accessible — and in case of death, safe deposit boxes are somtimes sealed until after the funeral.

Review your records every two or three years to see if any changes are necessary.

Develop your own information system now, and put it in a safe and convenient place. Be sure to tell those nearest you where you have left it for them; they will appreciate it.

Child's Personal File

It is very important for parents to maintain an up-to-date pesonal file on their handicapped child or adult. Contained in this file should be directions for the care of the disabled person in case of the parent's accident, illness or death.

Have this file accessible for anyone who may have to assume the role of caregiver to your child.

Personal Affairs Checklist

Having a *Personal Affairs Checklist* in your Information System can prevent your family from having to search frantically for papers and documents they would need if you should become unable to handle your own affairs.

No matter how close a family is, it is not expected that they can keep tabs on each others' affairs and records.

In case of an emergency such as an accident, critical illness or death, many families find themselves in a very vulnerable position.

When a family faces the painful process of probate the Personal Affairs Checklist and Estate Inventory will provide them the information they need.

Your family will be grateful for your visionary thinking.

Estate Inventory

No matter how small your estate, you should have a will. If there is no will, your estate will be divided according to state law. This can cause complications and costs increase.

With or without a will, other records will also be needed to settle your estate. It is recommended that a complete and current inventory of your assets and financial obligations be attached to your will if you have one, but also a copy should be kept in your Information System.

The Inventory will give an overview of your estate.

Funeral or Burial Arrangements

"For everything there is a season . . . a time to be born and a time to die."

Most people do not like to think of death -- we tend to avoid any consideration of our own deaths and the deaths of the ones we love. With a little foresight we can spare the ones we leave behind having such a burdensome task at a very emotional time.

When making funeral or burial arrangements for ourselves, we should also consider making such ar-

arrangements for your child. These arrangements should be maintained in writing in your information system.

When arranging for a cemetery grave space, you may want to purchase adjoining spaces for the eventual needs of your family. However, it is suggested that the grave space for your disabled child not be deeded in his name. Have the deed for his grave in your name or another relative's. The value of the grave can be counted as an asset for the disabled child and could adversely affect his eligibility for certain government benefits.

RESOURCES

South Carolina Developmental Disabilities Council

The Developmental Disabilities (DD) Council is established by Executive Order of the Governor to be the States' forum for matters pertaining to developmental disabilities, and to serve as advocates for persons with such disabilities.

Council membership includes representatives of state governmental agencies which administer and/or provide services to persons with developmental disabilities, representatives of non-governmental agencies and organizations concerned with the developmentally disabled, and consumers. One half of the Council members are consumers who are either developmentally disabled, or are parents, guardians or immediate relatives of persons with developmental disabilities.

The Council is dedicated to improving the lives of South Carolina's substantially handicapped citizens. By encouraging specialized services, the Council strives to guarantee each developmentally disabled citizen the opportunity for a life of worth and dignity.

The Council staff is located in the Office of the Governor in the Division of Health and Human Services. For further information call or write:

South Carolina Developmental Disabilities Council
Room 404, 1205 Pendleton Street
Columbia, S.C. 29201
(803) 758-8016

South Carolina Developmental Disabilities Case Coordination System

The Case Coordination System is funded by the South Carolina Developmental Disabilities Council to assist unserved or underserved developmentally disabled clients.

Developmentally disabled persons require lifelong and individualized services by many agencies and individuals. These services need to be planned and coordinated in such a way that the appropriate services are delivered at the appropriate time.

Persons eligible for case coordination services must be determined to be developmentally disabled based upon the following defintion: A severe, chronic disability due to a mental or physical impairment for

both), occurring before the age of 22, and resulting in substantial functional limitations reflecting the need for life long, individually planned services.

Referrals for Case Coordination can be made by anyone: the disabled individual, his family, a doctor, or a human service program. There is no charge for Case Coordination services.

The Case Coordination System serves developmentally disabled persons of all ages and their families. Services are either located through state/federal programs or under certain conditions may be purchased by Case Coordination. Purchased or located services include such areas as diagnostic evaluation, treatment, therapy, transporation, respite care, living accommodations, job training, etc.

For further information call or write:

Case Coordination Program
UAFP - Benson Building
University of South Carolina
Columbia, S.C. 29208
(803) 777-4838

Case Coordination Program
Pee Dee Educational Research Corporation
P.O. Box 829
Florence, S.C. 29503
(803) 669-3393

Case Coordination Program
Coastal Region
61 Bee Street
Charleston, S.C. 29403
(803) 792-7421

Case Coordination Program
Human Development Center
Winthrop College
Rock Hill, S.C. 29733
(803) 323-2244

South Carolina Handicapped Services Information System

The South Carolina Handicapped Services Information System (SCHSIS) is a computerized directory of statewide services for health, education, welfare, and human services, (both public and private), needed by handicapped persons. The system is designed to provide accurate and current information regarding location, eligibility requirements, and cost of services in South Carolina.

This information and referral service is made possible by funding from the South Carolina Developmental Disabilities Council and is administered by the University Affiliated Facilities of the University of South Carolina.

Trained operators are on duty from 8:30 a.m. - 5:00 p.m., Monday through Friday to receive your

requests for information. The operator will obtain the information from the computerized directory and relay it to you. To get information about services available to the handicapped in South Carolina, call:

1-800-922-1107 (Toll free in-state)
or in Columbia, call 777-5732

South Carolina Protection & Advocacy System for the Handicapped, Inc.

The South Carolina Protection and Advocacy System for the Handicapped, Inc. known as the P&A System, is a private non-profit organization with an independent Board of Directors which provides a variety of protection and advocacy services to benefit substantially handicapped persons throughout the state. The system is composed of staff and volunteers who are committed to ensure the legal and human rights of developmentally disabled and other handicapped individuals.

There are four regional offices located across the state to serve substantially handicapped people in those particular areas of South Carolina with coordination of their activities from the central office in Columbia. The advocates provide counseling, training, information and referral services, intervention, negotiation, and representation as needed by their clients. The organization has a staff attorney who is available to assist with those cases that require legal expertise, formal hearings or litigation.

The P & A System in South Carolina can serve any substantially disabled individual who requests assistance regardless of their income, age, type of disability, residency, sex, race, or religion.

The addresses and telephone numbers of the four regional P&A Offices are:

REGION I OFFICE
312 Rutherford Street
Greenville, S.C. 29609
(803) 235-0273 (Voice Only)

CENTRAL OFFICE AND
REGION II OFFICE
2360-A Two Notch Road
(803) 254-1600 (Voice & TDD)
or
1-800-922-5225 (Toll free in-state)

REGION III OFFICE
152 South McQueen Street
Florence, S.C. 29501
(803) 662-0752 (Voice Only)

REGION IV OFFICE
3370 Rivers Avenue, Suite 358
Charleston, S.C. 29405
(803) 744-4294 (Voice Only)

South Carolina Ombudsman Office

The Ombudsman's office, Office of the Governor, reviews, investigates and assists in resolving complaints and problems of a health and/or social nature for citizens of South Carolina.

Some of the services provided by the Ombudsman's Office are:

- Upon request, investigates complaints regarding public and private agencies, organizations and long term care institutions.
- Provides information regarding community resources and assists clients to obtain the benefits and services they are entitled to.
- Represents clients at hearings through the administrative law judge level of appeal on a very limited basis.
- Resolves Medicare, Medicaid and Social Security complaints.
- Recommends appropriate reform measures to legislative committees.
- Identifies improper functioning patterns of agencies, organizations and recommends administrative improvements.

The Ombudsman participates on a policy making level with state and federal legislative and regulatory bodies concerned with aging, health care, mental health, mental retardation, and needs of the handicapped. Particular interest is in long term care.

For assistance call or write:

South Carolina Ombudsman
Room 412, Edgar Brown Building
1205 Pendleton Street
Columbia, S.C. 29201
(803) 758-8016 or 758-2249

The Office of Children's Affairs

The goal of the Office of Children's Affairs, Office of the Governor, is to see that children of the state are being served appropriately and effectively. Upon request, the Office, as part of its advocacy role, provides service referrals, counseling, information and supportive services to public and private agencies and children and their families.

The Office of Children's Affairs, also, provides administrative and technical support to the Children's Case Resolution Committe, which is essentially a resolution and appeal process aimed at maximizing resources for children in South Carolina.

For assistance call or write:

The Office of Children's Affairs
Room 414, Edgar Brown Building
1205 Pendleton Street
Columbia, South Carolina 29201
(803) 758-7886

South Carolina Department of Insurance

The Consumer Assistance Section, Market Conduct Division of the Insurance Department, renders any and all assistance allowable under South Carolina Insurance laws to citizens of South Carolina. This assistance involves answering insurance questions, handling inquiries and complaints, and assisting with insurance problems. Consumer Assistance does not have the judicial authority to dictate to insurers the exact dollar amount necessary to settle a claim.

If assistance is needed, call or write:

Consumer Assistance
South Carolina Department of Insurance
P.O. Box 4067
Columbia, S.C. 29240
(803) 758-2876

Legal Assistance

This handbook, alone, is not sufficent where legal matters are concerned. The services of an attorney may be required in many cases.

If you do not have an attorney, information about legal services is available from the South Carolina Lawyer Referral Service (a public service of the South Carolina Bar).

For further information write or call:

South Carolina Lawyer Referral Services
1321 Bull Street
P.O. Box 11039
Columbia, S.C. 29211
Phone: (808) 799-6653
or
1-800-922-1583 (toll-free)

If you cannot afford an attorney, you may request help from one of the federally funded legal services offices which are located in major cities throughout South Carolina. They are:

South Carolina Legal Services Offices

Palmetto Legal Services
1410 Main Street
P.O. Box 2267
Columbia, S.C. 29202
Phone: 799-9668

Rogers Building
Gant Street
Lexington, S.C. 29072
Phone: 359-4154

1201 Boyce Street
P.O. Box 295
Newberry, S.C. 29108
Phone: 276-5355

301 Russell Street
P.O. Box 1646
Orangeburg, S.C. 29115
Phone: 533-0116

Calhoun Street
P.O. Box 1136
Sumter, S.C. 29150
Phone: 773-1471

150 South Congress Street
P.O. Box 185
Winnsboro, S.C. 29180
Phone: 635-9355

Legal Services Agency of Western Carolina, Inc.
303 East River Street
Anderson, S.C. 29621
Phone: 226-7216

Suite 609-10, SCN Bank Building
13 South Main Street
Greenville, S.C. 29601
Phone: 233-4108

327 Phoenix Avenue
P.O. Box 1474
Greenwood, S.C. 29646
Phone: 223-4879

Neighborhood Legal Assistance Programs, Inc.
1606 King Street
Beaufort, S.C. 29202
Phone: 524-8295

438 King Street
Charleston, S.C. 29403
Phone: 722-0107

607 Main Street
Conway, S.C. 29526
Phone: 248-6377

201 King Street
Georgetown, S C 29440
Phone 546-2491

South Academy Street
P O Box 390
Kingstree, S C 29556
Phone 354-7476

305 East Liberty Street
Marion, S C 29571
Phone 423-5955

905 North Main Street
Summerville, S C 29483
Phone 871-6477

Piedmont Legal Services, Inc.
148 E Main Street Mall
Spartanburg, S C 29301
Phone 582-0369

260 SCN Center, Dale Lane Blvd
P O Box 10591
Rock Hill, S C 29730
Phone 922-3853

Taxes

Information on income tax deductions and credits may be obtained from Internal Revenue Service. IRS publishes up-to-date tax information every year. You may get this from your nearest tax office. Telephone numbers are listed in telephone books under Internal Revenue Service or United States Government, Internal Revenue Service.

In drawing up your Will, a competent lawyer can advise you on how you can help your heirs reduce the cost of Estate taxes.

APPENDIX

(Name of Child) **PERSONAL FILE** (Date)

Child's Full name _____

Social Security Number _____

Date & Place of Birth _____

Medical Records & History _____

_____

_____

Names, Addresses & Telephone
Numbers of Relatives, Doctors, _____
Dentists or other Service Providers _____

_____

Location of Medical _____
Records & History _____

_____

Medication Instructions _____

_____

_____

Location of Evidence of _____
Medical Insurance _____

_____

Special Feeding or _____
Special Care Instructions _____

_____

_____

Suggestions for Respite care or _____
Residential Placement _____
Guardian's Name, Address & Telephone Number _____
Other Pertinent Information _____

_____

PERSONAL AFFAIRS CHECKLIST

(Date)

Mother's Full Name. Address & Telephone Number

Social Security Number

Date & Place of Birth

Other Identification Numbers

(Military. Veterans. Civil

Service. Railroad Retirement)

Father's Full Name. Address & Telephone Number

Social Security Number

Date & Place of Birth

Other Indentification Numbers

(Military. Veterans. Civil

Service. Railroad Retirement)

Children's names. Addresses.

Telephone Numbers & Dates of Birth

Attorney's Name and Address

Location of Will

Executor's Name

Address & Telephone Number

Insurance Information:

Insurance Company	Policy Number	Beneficiary	Agent's Name and Phone Number

Location of Insurance Policies _____

_____

Safe Deposit Box Number & Location _____

_____

Checking Account Number & Name & Address of Bank _____

_____

Savings Account Number(s) & Name & Address of Bank or Institution _____

_____

_____

Location of Tax Records _____

_____

Location of Cemetery Plot _____

Location of Deed _____

Location of any other papers (birth and marriage certificates, adoption or divorce papers, mortgages, deeds, military discharge papers, funeral directions, etc.): _____

_____

_____

_____

Other pertinent Information _____

_____

_____

_____

ESTATE INVENTORY

_____
(Date)

Assets

Money

Cash on Hand _____

Checking Account _____

Savings _____

_____

Real Estate (appraised value) _____

Stocks (market value) _____

Bonds (market or accrued value) _____

Life Insurance (cash value) _____

Automobiles (market value) _____

Personal Property (household, jewelry, etc.) _____

Other

_____ _____

_____ _____

Liabilities

Credit Cards _____ _____

_____ _____

Loans _____

Home Mortgage _____

Other Debts _____

_____ _____

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